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C O N F I D E N T I A L SECTION 01 OF 06 NEW DELHI 004091

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E.O. 12958: DECL: 05/28/2015

TAGS: [PREF](#) [PHUM](#) [PREL](#) [CH](#) [BT](#) [NP](#) [IN](#)

SUBJECT: USG ASSESSMENT OF TIBETAN REFUGEE RESETTLEMENT PROPOSAL

REF: KATHMANDU 1028

Classified By: Acting DCM Geoffrey Pyatt, for Reasons 1.4 (B, D)

1. (SBU) Summary: In response to the Dalai Lama's request that the US consider a resettlement program for some 10,000 Tibetan refugees, a USG delegation traveled to India and Nepal from May 2-10, meeting with Tibetan, Indian, Nepalese, and Embassy officials to assess the political and logistical implications of such a program. In India, the delegation considered whether the Tibetan population might meet the three elements of admissibility as refugees to the United States: a well-founded fear of persecution; not to be firmly resettled; and have no other conditions which may preclude admission. The delegation found that most Tibetans living in exile communities in India may be able to demonstrate a well-founded fear of persecution in their homeland. Further, other conditions that might exclude individuals from admission to the US (e.g., HIV/AIDS) are not common among this population. Tibetans in India, however, enjoy considerable political, legal, and social stability (albeit in a poor economic environment), which may make it difficult for many to prove that they are not "firmly resettled" in their host country. End Summary.

2. (U) The USG delegation was comprised of PRM Admissions Office Director Terry Rusch; DRL Senior Advisor Susan O'Sullivan; G Special Advisor Kate Friedrich; DHS Immigration Officer June Tancredi; Embassy New Delhi PolMilOff Stacy Gilbert; and was accompanied by International Campaign for Tibet (ICT) Director Mary Beth Markey. The delegation met with Indian and Embassy officials in New Delhi, and with the Dalai Lama and officials of the Central Tibetan Administration (CTA) in Dharamsala before traveling to Nepal. (See Kathmandu 1028 for reporting on the Nepalese portion of the mission.)

Background

3. (SBU) In September 2004, the Dalai Lama asked Under Secretary Dobriansky to consider a US resettlement program

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for Tibetan refugees, reversing a policy to discourage dispersal of the Tibetan community beyond well-established communities in northern and southern India. More details were provided in a letter from the Dalai Lama's Special Envoy Lodi Gyari to Secretary Powell in November 2004, requesting resettlement for 10,000 Tibetan refugees from India and Nepal over a period of three years, or as necessary.

4. (SBU) In his letter, Gyari outlined the political, economic, and social reasons for this request. Asylum in Nepal is becoming more tenuous because of increasing pressure from Beijing to limit the number of Tibetans departing via Nepal. Gyari, however, extolled India's generosity toward the large Tibetan population, stating that "Tibetans have found a sufficient measure of freedom to continue our political struggle and preserve our national identity," but lamented that although the excellent educational opportunities in India drew hundreds of children from Tibet every year, economic opportunities in India were severely limited. Gyari asserted that a resettlement program could be seen as a burden-sharing effort with India, and would provide more financial and political resources for the Tibetan community. "As (the Dalai Lama) studies the Tibetan diaspora, it is evident that Tibetans in the West are not only better prepared to be successful members of the global community, but they are also more able to provide assistance to our people struggling for a better future inside Tibet. Tibetans resettled in the US and elsewhere in the free world could very well provide the kind of assistance necessary to sustain our culture and livelihoods inside Tibet."

5. (SBU) The Dalai Lama's request seems to have been informed by the exile government's experience with the special immigration program for Tibetans undertaken in the early 1990s. By amendment to the Legal Immigration Act HR 4300 (P.L. 101-649, signed in November 1990), 1000 individuals from the Tibetan exile community in India and Nepal were given special immigrant visas to resettle in the US. The amendment overrode the requirement that the new immigrants prove they have sufficient resources to support themselves. Resettlement costs were borne by a network of

charitable organizations in approximately 30 sites in the US, organized by the New York Association for New Americans (NYANA). Upon arrival in the US, these immigrants could petition to have family members join them under standard US immigration procedures.

#### Profile of Current Population

16. (U) According to the CTA, there are approximately 108,000 Tibetans in India, 15,800 in Nepal, and 1,800 in Bhutan. Tibetan refugees in India generally live in well-established communities in Dharamsala in the Himalayan foothills, the seat of the CTA, and in larger cluster communities in the southern Indian state of Karnataka.

#### Legal Status and Citizenship

17. (U) The legal status of Tibetans in Indian is neither permanent nor well-defined, but it is not tenuous either. India is not a signatory to the Refugee Convention and as such, does not recognize the authority of UNHCR to determine refugee status. India generally does not recognize Tibetans as refugees, but designates them individually as religious pilgrims, students, or immigrants in a GOI-issued Registration Card (RC). "Pilgrim" and "student" designations are temporary and can easily be changed to "immigrant," provided the person has not violated Indian law. One's status must be renewed annually with the GOI, a perfunctory process that seems to go smoothly for most. Children born in India of Tibetan parents have the same status as their parents and are included on their parents' registration card until the age of 18 when they receive their own card. Births within the community have only recently begun to be registered via GOI-issued birth certificates, but deaths are rarely registered. The GOI allows Tibetans access to the same social services as the local Indian population, as well as many of the same protections.

18. (U) According to Indian immigration law, a foreigner may apply for Indian citizenship after 12 years of residence in India, provided he or she has not violated Indian law, and must renounce his/her previous citizenship. The CTA does not encourage Tibetans to take foreign citizenship. According to both CTA and Indian MHA officials, only a handful of Tibetans seek Indian citizenship each year.

#### Arrival and Registration Process

19. (U) Most Tibetans arrive in India through a network of processing centers in Kathmandu, Delhi, and Dharamsala. Typically, asylum-seekers depart Tibet on foot, traveling in small groups to avoid detection until they reach the Refugee Reception Center in Kathmandu. The new arrivals must wait for an entry permit issued by the Indian Embassy, a process that can take up to five months due to GOI processing delays. After receiving an entry permit, refugees are transported by bus to the Reception Center in Delhi, where they stay overnight before onward travel to Dharamsala. Within approximately two weeks, the Refugee Reception Center in Dharamsala, staffed by CTA, issues a "Green Book" confirming the individual's association with the Tibetan community-in-exile, and determines in which site to place new arrivals. This determination is based on the location of other family members in India, if any, and space availability. Unaccompanied minors are cared for in a network of five "children's villages" and seven residential schools for older children within the Tibetan community.

#### Resettlement Proposal

10. (SBU) CTA officials dealing with foreign affairs, health and human services, refugee issues, and religious and cultural affairs briefed the USG delegation about their resettlement proposal on May 4. According to them, the Dalai Lama's proposal was meant to address the "uncertain fate of Tibetan refugees in Nepal, inadequate cultivable land and housing facilities, poverty and unemployment, and illegal immigration." The proposal calls for resettlement of a limited number of Tibetans from the following target groups:

- Impoverished Tibetan refugees in Nepal (40%)
- Impoverished but able-bodied persons in India and Bhutan (40%)
- Ex-Mustang (US-supported anti-Communist fighters) or immediate family members (10%)
- Any bona fide Tibetan refugee in India, Nepal, or Bhutan (10%)

11. (SBU) According to the CTA proposal, an applicant would need to meet the following criteria to qualify for consideration:

- 1A. Possess a "Green Book" confirming that the individual is a member of the Tibetan exile community;
- 1B. Not hold citizenship or a passport of another country (including the country in which he/she is currently residing, i.e., India, Nepal, or Bhutan);
- 1C. Have a medical fitness certificate;
- 1D. Have resided in exile since before 1 January 2000;
- 1E. For monks and nuns, a letter of recommendation from their monastic institution.

12. (SBU) According to the CTA proposal, applicants would be screened according to the criteria above by a local selection committee, which would then forward all valid applications to the Central Selection Committee (CSC) in Dharamsala. The CSC would then select the successful applicants in the four categories above. If demand exceeds the number of spaces available, the CSC would conduct a lottery to select the successful applicants. The CSC would prepare the case files for interview by the Department of Homeland Security in New Delhi, Kathmandu, or another location. An international organization may be asked to monitor the selection process and guide case preparation, obtain travel documents, and assist with transportation. The CTA recommended that the refugees be resettled in one or two clusters in the US for the purpose of preserving their language and culture. PRM's Rusch indicated that a program involving 10,000 persons would require a larger network of resettlement sites.

13. (SBU) The CTA told the delegation they envisioned this to be a limited processing exercise, both in terms of the total number of people who would be resettled and in terms of the time required to complete the processing, (i.e., not "rolling admissions"). They do not want this initiative to be seen as open-ended for fear of creating uncertainties within the larger Tibetan exile community regarding the durability of their situation. PRM Director for Refugee Admissions Rusch asked the CTA how they estimated that 10,000 Tibetans needed to be resettled. CTA Head Professor Samdhong Rinpoche explained that it was a "rough estimate" based on the number of refugees in Nepal and the level of general poverty in India.

14. (SBU) In a meeting with members of the CTA on May 4 and with the Dalai Lama on May 5, Rusch noted the popular and bipartisan political support for Tibetans in the US, and raised questions about several aspects of the proposed plan that may require further discussion, e.g., selection of target groups, criteria for resettlement, process for selecting applicants, medical screening, and resettlement locations. According to Rusch, refugee admissions are often sought for populations of concern because it is a discretionary program and provides more benefits than US immigration programs. She noted, however, that refugee benefits in the US are less generous than in other major resettlement countries such as Scandinavia, Canada, or Australia. Rather, refugees admitted to the US are expected to become self-sufficient as quickly as possible. If resettlement is approved, she noted many of the details of the proposal would have to be revised to conform with standard operating procedures for US refugee admissions processing.

#### The Dalai Lama on Preserving Tibetan Culture

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15. (SBU) The Dalai Lama explained the evolution of this proposal and his vision for preserving Tibetan culture in a meeting with the USG delegation on May 5. He believed that the only way to preserve Tibetan culture was to maintain the current communities, but lamented the lack of economic opportunities for Tibetans in a poor economic environment like India. "I'm a Buddhist monk and should not be concerned about money," he joked, "but people depend on jobs to survive, and likewise, our culture depends on the Tibetan people to survive." Economic empowerment of even a small percentage of the Tibetan population means greater political and economic independence from Chinese authority in Tibet, he reasoned.

16. (U) Recalling his interaction with Tibetan communities in Switzerland, Canada, and the United States, the Dalai Lama expressed confidence that the emigres would maintain their heritage, although he admitted that the younger generation may not speak Tibetan. He noted that the Tibetan community seemed to be most intact in smaller countries such as Switzerland, and hoped to emulate this model by having fewer resettlement sites in a large country such as the US.

17. (C) The proposal was also meant to lay the groundwork for what the Dalai Lama called "the worst case scenario," i.e., possible reversal of hospitality toward the large Tibetan refugee and immigrant communities in India and elsewhere upon his death. Although the GOI and other host countries have not intimated that their asylum policy would change, according to the Dalai Lama, the CTA must be prepared for possible turmoil upon his demise that may test their

hosts' hospitality. Since the current Cabinet supports the proposal, he wanted to see the program completed before the induction of the new Cabinet in September 2006. Rusch explained the timeframe for USG decision-making on this issue, i.e., that if the program is approved in a timely manner, processing will have begun by September 2006, but would not be completed by then.

#### "Indian Generosity Cannot be Overstated"

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18. (SBU) The Dalai Lama, the CTA, international organizations, and Tibetan refugees expressed unanimous praise for the generosity demonstrated by the GOI and local populations during more than four decades in exile. Tibetan leaders stressed repeatedly that the resettlement proposal should not be viewed as a rebuff of Indian hospitality. By all accounts, Tibetan refugees and immigrants enjoy considerable freedom and opportunities in India. They have access to social services such as education, health care, and a monthly food ration, on the same grounds as the local Indian population (although many Tibetans do not avail themselves of these services because they can access better services within the exile community).

19. (SBU) Tibetan refugees in the 1960s were given free land and housing by the GOI, a practice that has long since ceased, although Tibetans may buy or rent property in India on the same terms as Indians. They may work legally on the open economy; they may serve in the Indian army; and those who settled in India before 1962 and their offspring may even apply for the civil service. They may enroll in Indian higher education institutions, although the cost for some of these institutions can be prohibitive. They may travel freely in the country, and can leave and enter India with their RC and a "No Objection to Return to India" certificate issued by an Indian consulate (essentially, a re-entry visa). The GOI readily offers Indian citizenship to any foreigner who has resided legally in the country for at least 12 years, but few Tibetans avail themselves of this opportunity, community leaders stated.

#### Stable Asylum in Bhutan

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20. (SBU) Similarly, the CTA stated they faced no pressure from the Bhutanese Government regarding the small population of less than 2000 Tibetan refugees in the kingdom. Like Tibetans in India and Nepal, Tibetans in Bhutan face extremely poor economic conditions. Their legal status is unknown. According to the CTA, Tibetans residing in Bhutan were included in the resettlement initiative to ensure equal consideration for all eligible Tibetans in exile, although they are not expected to generate large numbers of applicants for the US program. The USG will need to follow up with appropriate RGOB officials to discuss the possibility of undertaking this resettlement program.

#### Nebulous Asylum in Nepal

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21. (SBU) The political, economic, and social condition of Tibetans in India is stable compared to those in Nepal. Samdhong Rinpoche, CTA Minister of Home and Security, told the USG delegation on May 4 that since 1998, the Nepalese government has not issued refugee certificates to Tibetans, due to pressure from China not to recognize them as refugees. Consequently, there are some 5000 Tibetans in Nepal at risk of imprisonment or refoulement, according to Rinpoche. (See Kathmandu 1028 for more detail.)

#### Government Reaction

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22. (SBU) According to CTA Minister Rinpoche, CTA had informally notified the GOI of their intention to give the resettlement proposal to the USG. He did not expect any objection from the GOI, nor from the RGOB, but predicted that HMGN may resist because of growing pressure from Beijing on Kathmandu to not facilitate Tibetan departures.

23. (SBU) The USG delegation, accompanied by PolCouns, Consul General, and EmbOffs in New Delhi, met with Ministry of Home Affairs Joint Secretary (Foreigners) D.S. Misra on May 6 to inform the GOI of the proposal. Misra did not object to the proposal and offered suggestions for the USG to consider regarding the logistics of implementation. Rusch asked if the USG could consider processing Tibetan or Bhutanese refugees from eastern Nepal in India because of open borders with Nepal, but Misra deferred on that decision pending a formal proposal from the USG.

#### Next Steps

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24. (SBU) Delegation members promised to explore promptly the concept of Tibetan resettlement initiative with the

appropriate policy makers in the USG. S/STC will hold an interagency meeting to discuss next steps in early June. Assuming approval, PRM would commence the necessary steps to put in place an NGO or IO-based processing infrastructure that would help identify, prepare, and move approved applicants to the US. Given the time involved, including that needed to obtain the necessary permission from HMGN authorities, it will likely take six to eight months before such an initiative would become operational.

Comment

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125. (SBU) For the first time, the US has been asked to assist the exiled Tibetan refugee community through refugee resettlement (vice an immigration program). While serious policy questions will need to be addressed, such as Beijing's reaction to this program and whether Tibetans in India meet the criteria for refugee resettlement, the situation of the target population )- vulnerable Tibetans, particularly in Nepal -- contributes to the compelling case the CTA has put forward for USG consideration.

126. (U) This cable was cleared by PRM Director of Refugee Admissions Rusch.

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